

DAVIE AGRICULTURAL ADVISORY BOARD

SEPTEMBER 23, 2003

6:30 P.M.

1. ROLL CALL

The meeting was called to order at 6:33 p.m. Board members present were Chair Hilda Testa, Vice-Chair Julie Aitken, Jason Hurley, Jacque Daniels and Barbara Spiece. Also present was Code Compliance Official Daniel Stallone and Board Secretary Jenevia Edwards recording the meeting.

2. APPROVAL OF MINUTES: July 22, 2003

Vice-Chair Aitken indicated that the statement under Old Business should read "...the Right-To-Hobby Farm Act had not yet been placed on the Town Council agenda."

Ms. Spiece indicated that her statement was misconstrued and that she did not intend to resign.

Vice-Chair Aitken made a motion, seconded by Mr. Hurley, to approve the minutes of July 22, 2003 with the necessary corrections. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Stallone explained that the Code Compliance Division had been involved with some of the Right-To-Farm Act issues from its inception since 1999. He added that that Code Compliance Division came to the fore-front when the Agrarian Committee began meeting and the Town became concerned and decided to create a Code and to model it after the Right-To-Farm Act.

Mr. Stallone explained that Town Code 12-34(B) had been in operation for two years and had been modeled after the Right-To-Farm Act at the State level. He explained the process for farm determinations and farm claim determinations, the Town Codes that applied to farms and what was considered a farm, issues that had arisen; and recent issues involving Flamingo Road. Mr. Stallone explained that the controversy involving Section 6 of 12-34(B) related to "grown, kept, or raised". He indicated that most of the agricultural entities to which that section applied ran the "gamut"; however, it mainly included nurseries, tree farms and some horse farms. Mr. Stallone referred to B&B Feed which had considered relocating to a site on Flamingo Road. This business housed a stable and a small hay operation which was mainly geared to providing supplies to lessees of the horse stalls on the property.

Mr. Stallone indicated that the source of the entire controversy surrounded "grown, kept or raised" of the Code which was difficult to define. He indicated that to strictly interpret this section of the Code would indicate that the type of retail operation such as B&B Feed would be prohibited at the location, and this would be too strict in defining the intent of the Code. A brief discussion ensued regarding the definition of "kept" with Mr. Stallone commenting that the meaning was the only parameter that was wide enough to be allowed by the Town. He made reference to an operation located on Flamingo Road that sold playground equipment and added that the intent of the act was not to protect businesses of that nature as agricultural entities, and the Town had taken steps against retailers that were hiding under the agricultural protection.

Mr. Stallone commented that to strictly construe Section 6 of the Code would mean the prohibition of certain items associated with a nursery that was not "grown, kept or raised." A brief discussion followed with Ms. Daniels commenting that items in a nursery were "kept" there.

Mr. Stallone indicated that he was seeking assistance from the Board for a review and potential recommendation to Council to determine the definition of "kept".

DAVIE AGRICULTURAL ADVISORY BOARD
SEPTEMBER 23, 2003

A lengthy discussion was devoted to agricultural issues, agricultural determination, the keeping of animals for agricultural use, permitted uses on farms, the Right-to-Farm Act and

protection of agricultural uses on farms. There was discussion on the sale of certain items considered as agricultural products, and whether operations selling these items were exempted from occupational licenses. Vice-Chair Aitken indicated that Mr. Stallone was asking for a dividing line. Mr. Stallone referred to complaints from other municipalities concerning items that were not allowable at nurseries in that area but were allowed in Davie. He reiterated the need for the Board's assistance in making a determination and recommendation to the Town Council.

Mr. Stallone indicated that he was not willing to make a decision that would create havoc within the agricultural community. He commented that what was needed might be a solution similar to that of the Tower Shops car show. Mr. Stallone commented that inspectors from his department had been advised to observe all the known agricultural entities within the Town and to list the products sold, thus providing a cross-reference for these items to see the normal pattern of these establishments. He added that this would prevent making a decision to eliminate half of what would be the potential sales for an agricultural establishment.

Mr. Stallone added that he was asking for discussion among the agricultural community and feedback from the Board to allow a move in the right direction in the determination process. Ms. Spiece asked if anything would be grandfathered in, with Mr. Stallone responding that the Right-To-Farm Act grandfathered things in whether or not the Town wanted to.

Mr. Stallone left and discussion continued by the Board.

Discussion followed regarding how best to define Section 6, primary uses of a building with agricultural classification, retail sales and items classified as being necessary for agricultural uses as they related to Section 6. Ms. Daniels concluded that it would be very hard making a clear definition of Section 6 as it related to retail sales.

Following a lengthy discussion devoted to retail sales, Vice-Chair Aitken commented that there were establishments that had the protection of a farm but the items being sold were not agricultural. She added that some establishments hid behind the agricultural classification defined under the Right-To-Farm Act.

Mr. Hurley commented that the retail sales on farms must be predominately ancillary to or supportive of an agricultural operation.

Mr. Hurley made a motion, seconded by Ms. Spiece, that the Board ask Vice-Chair Aitken to make adjustment to the above statement, and on behalf of the Board, send it to Mr. Stallone so that he had something to look at when he met with the Board next month. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. DISCUSSION

3.1 Davie Update - Agricultural Corner

Chair Testa advised that she had spoken to Town Administrator Thomas Willi apprising him of proposed plans by the Board to utilize the Davie Update as a medium for informing residents of activities within the Town and vice versa. She added that Mr. Willi was in favor of the idea and informed her that his approval was not necessary to place ads in the Davie Update. Chair Testa indicated that Mr. Willi further indicated that if the Board needed to advertise, it could have its own corner to advertise in the Davie Update. She added that she was informed to

DAVIE AGRICULTURAL ADVISORY BOARD

SEPTEMBER 23, 2003

forward the information to Bonnie Stafiej. Chair Testa indicated that for each Board meeting, the Davie Update – Agricultural Corner should be a standard agenda item.

3.2 Equine Hurricane Turn-out

Chair Testa suggested tabling item 3.2 until the October 28th meeting. There was no objection from the Board.

The Board discussed placing an ad in the Davie Update as an invitation and introduction for the residents to contribute to the Agricultural Corner. Following a brief discussion, Boardmembers presented ideas for the ad. The Board also discussed changing the name from Agricultural Corner; however, no decision was made. Mr. Hurley suggested that the first ad should be a message from the Board and as the ads became a regular part of the Board, the name could be changed.

4. OLD BUSINESS

Vice-Chair Aitken advised that the open space design ordinance was still on the books. Chair Testa inquired about the property on Shotgun Road. Vice-Chair Aitken indicated that this had not been presented to Council or the Site Plan Committee.

5. NEW BUSINESS

Vice-Chair Aitken indicated the Property Appraiser William Markham had switched parties from Republican to Democrat.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions.

7. ADJOURNMENT

There being no objections and no further business to discuss, the meeting adjourned at 9:00 p.m.

Date Approved

Chair/Board Member